



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB6225

by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-11 new

Amends the Criminal Code of 1961. Provides that it is an affirmative defense to a violation of the unlawful use of weapons statute or the aggravated unlawful use of a weapon statute relating to the unlawful carrying or possession of a firearm in a vehicle or concealed on or about one's person if, at the time of the violation, the individual who is charged with the violation: (1) possessed a valid Firearm Owner's Identification Card, and had successfully completed a gun safety course approved by the Department of State Police that meets specified statutory requirements or (2) possessed a valid concealed carry license or permit issued by another state. Establishes the requirements for the gun safety courses and the qualifications of instructors. Effective immediately.

LRB097 22660 RLC 71442 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by by
5 adding Section 24-11 as follows:

6 (720 ILCS 5/24-11 new)

7 Sec. 24-11. Affirmative defense to unlawful and aggravated
8 unlawful use of weapons provisions; concealed carry license or
9 permit issued by another state and firearms training by State
10 residents.

11 (a) It is an affirmative defense to a violation of
12 subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 of
13 this Code if, at the time of the violation, the individual who
14 is charged with the violation:

15 (1) possessed a valid Firearm Owner's Identification
16 Card, and had successfully completed a gun safety course
17 approved by the Department of State Police that meets the
18 requirements described in subsections (b) through (l) of
19 this Section; or

20 (2) possessed a valid concealed carry license or permit
21 issued by another state.

22 (b) A person asserting the affirmative defense described in
23 paragraph (1) of subsection (a) of this Section shall, at or

1 prior to trial, provide to the court proof of completion of at
2 least one of the following courses:

3 (1) NRA Basic Personal Protection In The Home Course;

4 (2) NRA Basics of Personal Protection Outside The Home
5 Course;

6 (3) NRA Basic Pistol Shooting Course; or

7 (4) any other firearms training course of at least 4
8 hours duration that covers the following:

9 (A) handgun safety in the classroom, at home, on
10 the firing range, and while carrying the firearm;

11 (B) the basic principles of marksmanship;

12 (C) care and cleaning of handguns; and

13 (D) laws relating to the justifiable use of force.

14 (c) A person asserting the affirmative defense provided in
15 paragraph (1) of subsection (a) of this Section shall, at or
16 prior to trial, provide to the court proof of certification by
17 a certified firearms instructor that the person passed a live
18 fire exercise with a handgun consisting of:

19 (1) a minimum of 30 rounds; and

20 (2) 20 rounds from a distance of 7 yards and 10 rounds
21 from a distance of 15 yards at a B-21 silhouette or
22 equivalent target as approved by the Department of State
23 Police.

24 (d) Students shall provide their own safe, functional
25 handgun and factory-loaded ammunition.

26 (e) Grades of "passing" shall not be given on range work to

1 a person who:

2 (1) does not follow the orders of the certified
3 firearms instructor;

4 (2) in the judgment of the certified firearms
5 instructor, handles a firearm in a manner that poses a
6 danger to the person or to others; or

7 (3) during the testing portion of the range work fails
8 to hit the silhouette portion of the target with 70% of the
9 30 rounds fired.

10 (f) The classroom portion of the course may, at the
11 certified firearms instructor's discretion, be divided into
12 segments of not less than 2 hours each.

13 (g) Training courses shall not be open to anyone under the
14 age of 16 and no certificate of completion shall be issued to
15 persons less than 21 years of age.

16 (h) Certified firearms instructors shall maintain all
17 records for students' performance for not less than 5 years.

18 (i) Certified firearms instructors shall:

19 (1) allow monitoring of their classes by officials of
20 any certifying agency;

21 (2) make all course records available upon demand to
22 authorized personnel of the Department of State Police; and

23 (3) not divulge course records except as authorized by
24 the certifying agency.

25 (j) Fees for the course shall be set by the certified
26 firearms instructor.

1 (k) A course shall not have more than 40 students in the
2 classroom portion nor more than 5 students per range officer
3 engaged in range firing. For the purposes of this subsection
4 (k), "range officer" means a person who is in charge of all or
5 part of a firearms range and supervises firing on the range.

6 (l) Persons with the following training or certifications
7 are exempt from the requirements of subsection (b):

8 (1) an NRA certified instructor;

9 (2) an individual who has qualified to carry a firearm
10 as a retired law enforcement officer;

11 (3) an active, retired, or honorably discharged member
12 of the armed forces who held a combat-related military
13 occupation specialty (MOS); or

14 (4) an individual certified as a law enforcement
15 instructor by the Illinois Law Enforcement Training
16 Standards Board or other equivalent agency.

17 (m) Not later than 30 days after the effective date of this
18 amendatory Act of the 97th General Assembly, the Department of
19 State Police shall establish a registry of certified firearms
20 instructors who are eligible to teach courses or sign off on
21 range qualifications, or both, to meet the requirements of
22 subsections (b) through (l).

23 (n) Certified firearms instructors shall be eligible to
24 teach courses and to certify range qualifications if they have
25 one of the following valid firearms instructor certifications:

26 (1) National Rifle Association Personal Protection

1 Instructor;

2 (2) National Rifle Association Pistol Marksmanship

3 Instructor;

4 (3) National Rifle Association Law Enforcement Firearm

5 Instructor with a certification for handguns;

6 (4) certification from a firearms instructor's course

7 offered by a State or federal governmental agency; or

8 (5) a similar firearms instructor qualifying course

9 approved by the Illinois Law Enforcement Training

10 Standards Board.

11 (o) Certified firearms instructors who are eligible to

12 teach courses and certify range qualifications shall be at

13 least 21 years of age and possess at least a high school

14 diploma or GED certificate.

15 (p) A certified firearms instructor may have his or her

16 eligibility to teach courses or to certify range qualifications

17 revoked if the person:

18 (1) does not meet the requirements of subsections (n)

19 and (o);

20 (2) provides false or misleading information to the

21 Illinois Law Enforcement Training Standards Board or other

22 certifying organization; or

23 (3) has had a prior instructor qualification revoked by

24 the Illinois Law Enforcement Training Standards Board or

25 other certifying organization.

26 (q) A person asserting the affirmative defense described in

1 paragraph (2) of subsection (a) shall, at or prior to trial,
2 provide to the court a copy of his or her concealed carry
3 license or permit issued in another state.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.